

JERSEY / JUDGMENT

AG v Brewster [2001]

JRC 3 (05 January 2001)

[2001] JRC 3

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: Judgment on preliminary application by the Defendant for an adjournment to allow time for the preparation of an expert's report in response to the Social Enquiry Report prepared for the Court. 1. Sometimes the Court is assisted by experts' reports in determining what is the fair and proper sentence to impose in any particular case. What has happened here - as made clear in the arguments submitted to us by counsel for the defendant - is that after receipt of the social enquiry report, prepared by the Probation Officer, the defendant took exception to part of its contents and conclusions, as being in his view damaging to his position and as having a possibly negative impact upon the sentence which he is likely to receive. It is said that the report impeaches the defendant's credibility and his motives. Mr. Tremoceiro for the Defendant has accordingly asked the Court to adjourn so that a forensic psychologist can be employed at public expense to produce a further report with a view to informing the Court about the defendant's truthfulness in a number of respects but particularly about his remorse. 2. In our judgment this is an inadequate and inappropriate reason for requesting an expert report. All the matters which have been raised by counsel in relation to the report of the probation officer can be addressed fully by him in his submissions in mitigation on behalf of the Defendant. We do not think it is appropriate therefore to adjourn this matter for the production of a further expert report and the application for an adjournment is accordingly refused. Judgment on preliminary application by the Defendant for an adjournment, to allow sentencing before a differently constituted Court, after objection was taken by the defence Counsel to parts of the summary of the facts, placed before the Court by the Crown. THE BAILIFF: 1. Objection has been taken by Counsel to parts of the Summary of Facts which have been placed before the Court by the Crown Advocate. In particular, Mr. Tremoceiro has objected to a number of passages setting out accounts given by the mother of one of the children which are not accepted by the Defendant. The Crown is entitled in our judgment to include in the Summary of Facts matters which are disputed by the Defendant provided of course that the Defendant's position in relation to each such matter is fully explained. The Crown should naturally be careful not to include material which might unfairly prejudice the mind of the sentencing Court and discretion should therefore be exercised. The important consideration however is that the Court is given the full picture, that is, an account of the Defendant's conduct and of his offending viewed from every relevant perspective. We think that

there is nothing in the Crown's Summary of Facts in this case which is unfairly prejudicial to the Defendant. We therefore refuse the application to adjourn the sentencing to another Court.

JUDGMENT

THE BAILIFF: 1. Both Counsel agreed that the Defendant should be sentenced on the basis of his confession. We also agree in this case that that is the proper approach. 2. This Defendant admitted masturbating in front of one of the children to the point of ejaculation and allowing that child to touch his testicles and to masturbate him. He also admitted allowing the child briefly to touch his penis with her mouth or tongue. He claimed that these actions of the child were not encouraged or induced by him, but to tolerate this activity is serious enough. Offences of indecency involving children are regarded by all right thinking people with abhorrence. The removal of a child's innocence and the corruption of the trust which children naturally feel for adults are so serious that, other than in exceptional circumstances, they must be punished with imprisonment. The offences committed by Brewster were aggravated by the fact that with regard to one child he was in the position of a parent. 3. There is however substantial mitigation available to him. He had been told by the police that he was not to be prosecuted in relation to the initial complaints made against him, yet he attended voluntarily at the Police Station and unburdened himself of the matters which have brought about this prosecution. He is aged 46 and is a first offender. He has pleaded guilty to the indictment. He is entitled to credit for all these mitigating factors. We take account of them and we propose accordingly to reduce the conclusions. However abhorrent the Defendant's conduct was it must be placed in its proper context having regard to other cases of child abuse which have come before this Court. 4. Brewster, the sentence of the Court is that on Count 1 you will go to prison for 30 months; on Count 2 you will go to prison for 18 months concurrent; and on Count 3 to prison for 18 months concurrent; making a total of 30 months imprisonment. AUTHORITIES. A. G.-v-Jouan (15 th March, 1996) Jersey Unreported Jouan-v-A. G. (19 th June, 1996) Jersey Unreported. CofA. Whelan: Aspects of Sentencing in the Superior Courts of Jersey: pp.96-102. Ibid (May, 1995-96): pp.41-43. Ibid (May, 1996-97): pp.47-48. A. G.-v-Bouhaire (1 st November, 2000) Jersey Unreported. Jervis Dykes-v-A. G. (13 th July, 1999) Jersey Unreported. CofA. A. G. -v- Hampson (15 th May, 1998) Jersey Unreported. Wall -v- A. G. (9 th July, 1998) Jersey Unreported. A. G. -v- McIntyre (21 st January, 1999) Jersey Unreported. Riant -v- A. G. (27 th January, 2000) Jersey Unreported CofA. Page Last Updated: 11 Apr 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2001/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-brewster-2001-jrc-3-05-january-2001>

Prepared on 24 October 2026 · Esheria